

EXHIBIT 9

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FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 01-10981- RBC

U.S. DISTRICT COURT
DISTRICT OF MASS.

WALTER P. HUGHES

Plaintiff,

THOMAS F. MCMENAMON, JR.)

and

AMERICA ONLINE, INC.

Defendants.

Civil Docket No. 01-10981-RBC

DOCKETED

PLAINTIFF'S RULE 60(b)(3) MOTION TO SET ASIDE JUDGMENT
ORDERED ON DEFENDANT AMERICA ONLINE, INC.'S MOTION
FOR SUMMARY JUDGMENT ON THE FORUM SELECTION
CLAUSE (#47) DATED MAY 28, 2002

Plaintiff, pro se, moves pursuant to Fed. R. Civ. P. 60(b)(3) that this Court set aside Judgment ordered on Defendant America Online Inc.'s Motion for Summary Judgment on the Forum Selection Clause (#47) dated May 28, 2002 because, for reasons stated in the attached Memorandum, Defendant America Online Inc., through its attorney committed fraud upon the court.

November 6, 2002

Walter P. Hughes
Plaintiff pro se

56